

Maryland State Highway Administration  
CEQ: The National Environmental Policy Act—Guidance on Categorical  
Exclusions  
Docket 06-7756  
November 28, 2006

General:

- Clarify that these CEs are for classes of actions, rather than individual projects.
- Process for establishing a CE group is time and labor intensive.
- The rule is very broad, making it difficult to follow at times.
- SHA believes that this process should only apply to new classes of CEs that differ significantly from the existing classes of actions.
- A consultation process between CEQ and the federal agency should determine whether the proposed class is subject to the FR requirement so as not to unnecessarily complicate minor changes to CE listings for agencies.

Technical/Specific:

- Summary, second to last paragraph: Should read, NEPA “was developed to assist agencies with developing and using categorical exclusions for actions that do not have significant effects on the human and natural environment and eliminate the need for...”
- Section I, last paragraph: Provide clarification about “allow[ing] agencies flexibility in implementing the procedures for [CEs] that are adapted to the requirements of other applicable laws.” Additionally, what are the roles of other agencies in this situation when they oversee the “applicable” laws?
- Section III, #1: Data collection (“collaboratively monitoring and evaluating implementation actions”) will require additional time, labor, and commitment.
- Section III, #1: Please clarify whether monitoring is only for new classes of actions, or all classes (SHA would prefer that it is only for new classes), and what the level of involvement is regarding monitoring/data collection.
- Section III, #1: “For a category of actions...” paragraph is unclear.
- Section III, #4: Clarify why an agency cannot use another agency’s CE.